

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3053
)	
v.)	
)	
CHIEN HUNG NGUYEN, AARON)	MEMORANDUM AND ORDER
WILLIAM POLK,)	
)	
Defendants.)	

Defendant Nguyen has orally moved (filing no. 38) and defendant Polk has filed a written motion (filing no. 37) to continue the pretrial motion deadline currently set for July 22, 2010. Defense counsel explain discovery is still being served and requested, the discovery materials are extensive, and defense counsel need further time to review the discovery, confer with the defendants, and determine whether and what pretrial motions should be filed. The government does not oppose the requested continuance. The court finds the motions to continue should be granted.

IT IS ORDERED:

1) The defendants' unopposed motions to continue, (filing nos. 37 and 38), are granted and the defendants' pretrial motions and briefs shall be filed on or before August 20, 2010.

2) The ends of justice will be served by granting defendants' motions to continue the pretrial motion deadline, and outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motions, the time between today's date and August 20, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

3) As to both defendants, the trial of this case is continued pending resolution of any pretrial motions filed.

July 20, 2010

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge